

Exhibit C

5:21-cv-844 (XR)
4/26/2022

Entero v Texas
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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO)
 et al.,)
 Plaintiffs,)
) Civil Action No. SA-21-cv-
 v.) 00844-XR
) (Consolidated Cases)
 STATE OF TEXAS, et al.,)
 Defendants.)

 ORAL DEPOSITION OF
 KEITH INGRAM
 APRIL 26, 2022
 Volume 1

ORAL DEPOSITION OF KEITH INGRAM produced
 as a witness at the instance of Plaintiff, and duly
 sworn, was taken in the above-styled and numbered cause
 on the 26th day of April, 2022 from 9:18 a.m. to 2:19
 p.m. before Nancy Newhouse, a Certified Shorthand
 Reporter in and for the State of Texas, reported by oral
 shorthand, located at Price Daniel Sr. State Office
 Building, 209 West 14th Street, Austin, Texas 78701,
 pursuant to the Federal Rules of Civil Procedure, and the
 provisions stated on the record or attached hereto.

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1 can watch that process. Sometimes poll watchers think
2 that they can watch anybody being assisted, and that's
3 not the case. So the only possible example of harassing
4 voters is something that, you know, they would try to
5 watch a voter being assisted by an assistant of their
6 choice, which is not allowed, and it wasn't allowed
7 before SB 1, it's not allowed after SB 1.

8 Q. And so you told me that besides the example
9 you gave earlier, you couldn't think of others, is it
10 fair to say that there might, in fact, be other ways in
11 which a watcher might harass, as that term is used under
12 Section 4.06 --

13 MR. JEFFREY WHITE: Objection, form.

14 Q. (BY MR. KANTERMAN) -- a voter?

15 **A. I'm sure there are a lot of ways you could**
16 **harass a voter. You could, you know, get in their**
17 **personal space and stand too close to them, or try to**
18 **see what they're marking on their ballot, but we haven't**
19 **had that come up. We haven't had that come up before SB**
20 **1 or since SB 1.**

21 Q. And based on your recent response, is it fair
22 to say that trying to stand too close to a voter or
23 being in their personal space would constitute
24 harassment, as the Secretary of State's Office
25 understands it, as used in Section 4.06?

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1 the watcher may sit or stand near, quote, "enough to see
2 and hear," closed quote?

3 **A. Instead of conveniently near.**

4 Q. I'm sorry, let me just -- I want to make sure
5 I finish my question so the record is clear, please?

6 SB 1 modifies 33.056 to say that the
7 watcher may stand or sit near enough to see and hear the
8 election officer conducting the observed activity, is
9 that right?

10 **A. That's right.**

11 MR. JEFFREY WHITE: Objection, form.

12 **A. It changed the standard from conveniently near**
13 **to near enough to see and hear. Subjectively,**
14 **objectively there's no difference between those two,**
15 **because conveniently near meant near enough to see and**
16 **hear.**

17 Q. (BY MR. KANTERMAN) And so my question to you
18 is, in whose view, or from whose perspective is somebody
19 near enough to see and hear?

20 **A. There's the rub. So pre SB 1, post SB 1, that**
21 **judgment, is it conveniently near enough? The -- the**
22 **people who work at the place think differently than the**
23 **poll watcher, and in my experience, both the people who**
24 **work at the Central Count or Ballot Board and the poll**
25 **watchers are maxima lists in their positions. They --**

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1 then that can be different.

2 And we've often found, from talking on
3 the phone to both parties involved at, you know, the
4 same or almost the same time, that it's a lack of
5 communication that -- that often causes
6 misunderstanding.

7 Q. And so I understand your testimony to be that
8 is a subjective decision made by the local officials on
9 the ground at the polling place, is that right?

10 A. That's right.

11 Q. And so my question to you is slightly
12 different. I'm looking for the Secretary of State's
13 Office's opinion about an interpretation of this law.

14 A. And what I'm telling you is we don't have an
15 opinion. We would tell the presiding judge, use your
16 best judgment. Now, if they've given you an
17 explanation, and you're ignoring their explanation,
18 then be careful, because it's a -- it's a Class A
19 misdemeanor to obstruct a poll watcher, so think about
20 what you're doing, maybe call your county election
21 officer. Maybe call your county attorney before you
22 make a final choice, but, if they're being disruptive,
23 you've got the right to remove them. That's your call.

24 Q. And so just to be clear, the Secretary of
25 State's Office has no position about what distance is

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1 close enough to see or hear?

2 **A. No, of course not.**

3 **Q. And it's the Secretary of State's Office's**
4 **position --**

5 **A. And we didn't have a position about how -- how**
6 **close was conveniently near, either, we -- it's the**
7 **same. It's the same thing, conveniently near or near**
8 **enough to see and hear, substantively, from our**
9 **perspective, no difference.**

10 **Q. And you have no opinion on either, is that**
11 **correct?**

12 **A. That's correct. That was -- we'd always tell**
13 **the presiding judge, it's in your discretion to decide**
14 **that fact, be careful, because it's a crime to obstruct**
15 **a poll watcher.**

16 **Q. But as we discussed earlier, SB 1 also**
17 **prohibits harassing behavior, does it not?**

18 **A. Harassing behavior was prohibited before.**

19 **Q. And so my question to you is, does Section**
20 **4.07(a) find tension with that prohibition against**
21 **harassing behavior?**

22 **A. No, no more tension. That has always been the**
23 **case between poll watchers who want to observe the**
24 **activity and poll workers who feel like they're crowded.**
25 **That has always been a source of tension.**

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1 **denial of your right to be conveniently near. Right? I**
2 **mean, substantively, the law has not changed. This**
3 **doesn't add anything, other than what was implicit**
4 **before.**

5 Q. You say implicit before, implicit in what way?

6 **A. When it -- whenever the poll watchers have the**
7 **right to stand conveniently near enough to observe**
8 **election activity, that's they've got the right to move**
9 **around to do that, and we -- we've told lots of election**
10 **administrators, you can't confine poll watchers to a**
11 **specific area. SB 1 didn't change that.**

12 Q. And so absent 33.056(b)'s restriction, or
13 restrictions, is the Secretary of State's Office's view
14 that there are no other limitations on the watchers'
15 activities?

16 **A. Of course not.**

17 Q. I don't understand when you say of course not,
18 can you explain?

19 **A. They can't disrupt the voting process, they**
20 **can't disrupt the Central Counting process, they can't**
21 **harass voters, they can't breach the peace, they can't**
22 **commit crimes.**

23 Q. And so in your view, would it be a denial of
24 free movement to prevent a poll watcher from standing
25 within one foot of a voter at a time where they're not

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1 in a restricted location such as the voting station?

2 **A. We don't get into those kind of details. If**
3 **-- if a presiding judge thinks that a poll watcher is**
4 **trying to provoke a voter by standing too close to them**
5 **at the check-in table, the presiding judge needs to**
6 **address that.**

7 Q. And so again, that's a subjective inquiry left
8 to the local officials, is that right?

9 **A. And it always has been, that's why they've got**
10 **discretion. That's why they explicitly have been given**
11 **discretion, because these kind of things need that**
12 **discretion in order to be resolved.**

13 Q. What trains, and materials or instructions has
14 your office published relating to Section 4.07's
15 amendment to the law?

16 **A. I don't know if we've addressed that,**
17 **specifically, but it's in the same materials that we**
18 **updated for all the poll watchers as well as poll**
19 **workers.**

20 Q. But sitting here today, nothing specific that
21 you can think of that contains instruction about 4.07,
22 is that right?

23 **A. They have whatever they have, you can read**
24 **them for yourself, but the idea of 4.07 is certainly**
25 **covered. Whether or not we talk about the specific**

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1 Q. Does your office have an idea or
2 interpretation of the law as to what would make, quote,
3 "observation not reasonably effective," closed quote?

4 MR. JEFFREY WHITE: Objection, form.

5 **A. No. That's going to be up to the poll watcher**
6 **to -- to alert somebody that their ability to**
7 **effectively observe has been deteriorated in some way.**

8 Q. (BY MR. KANTERMAN) And again, I assume that
9 the ultimate determination of whether or not that report
10 from the poll watcher is, in fact, the correct or
11 incorrect position will lie with the local official, is
12 that fair?

13 **A. The presiding judge of whatever location**
14 **they're at.**

15 Q. And does the Secretary of State's Office have
16 any opinion as to the definition of the term reasonable
17 effectiveness?

18 **A. No. No. And again, this doesn't change the**
19 **law. They -- they've always had the ability to**
20 **effectively observe whatever activity they want to**
21 **observe, and they've always had the ability to holler**
22 **obstruction if they believe they're being obstructed.**

23 Q. If an election judge were to ask an unruly
24 poll watcher to stand 10 feet back from voting booths,
25 in the Secretary of State's Office's view, could that

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1 person be charged with a crime?

2 **A. That person being who?**

3 Q. I should clarify, thank you.

4 If the election judge asks a poll watcher
5 to stand 10 feet back from voting booths, could the
6 election judge be charged with a crime in your office's
7 view?

8 **A. Well, I don't know, maybe. It just depends.**

9 I mean, poll watchers don't have the right to go to poll
10 -- to voting booths, so being a clear distance marker,
11 you know, other than whenever a voter is being assisted
12 by election workers at the polling place, it's probably
13 not a bad idea. But if the poll watcher thinks that
14 their ability to stand conveniently near or near enough
15 to see and hear is being impeded by this, then they've
16 got the right to complain about it.

17 Q. And again, ultimately, the determination of
18 who is in the right in that position lies with the local
19 officials, correct?

20 **A. Well, you say ultimately, but that -- that**
21 **really means in the first instance. Right? So the**
22 **presiding judge decides a poll worker (sic) is getting**
23 **too close to voters and harassing them, and the poll**
24 **watcher obviously doesn't agree with that, but the poll**
25 **watcher gets warned, the poll watcher keeps doing it,**

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1 the presiding judge kicks them out, there is a criminal
2 complaint. The grand jury is going to be the ultimate
3 decider of whether or not, and then the jury if it
4 actually goes to a trial.

5 I mean, it's a criminal activity if you
6 -- if you obstruct a poll watcher, so just because a
7 presiding judge gets to make a determination in the
8 first instance, doesn't mean that that's not going to
9 get reviewed.

10 Q. Does the Secretary of State's Office have a
11 view as to specific conduct that 4.09 prohibits?

12 MR. JEFFREY WHITE: Objection, form.

13 A. No. I mean, it's just -- it's just trying to
14 put some gloss on what obstructing a poll watcher means,
15 so they're saying obstructing the view or the distance
16 so that it can't be reasonably observed or reasonably
17 effectively observed. I mean, that just puts some gloss
18 on what we already know, that it's a crime to obstruct a
19 poll watcher.

20 Q. (BY MR. KANTERMAN) And what materials, if
21 any, has your office made available, available or
22 published, relating to Section 4.09's amendment to the
23 law?

24 A. The -- the -- the same series of materials
25 that we talked about before, the -- all the poll watcher